

## 1174 REPORTING ABUSE AND NEGLECT TO LAW ENFORCEMENT

Chapter: **Child Protective Field Services**

Section: **CPS Family Assessment**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **17-06**

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Approved:

*Lorraine Bartlett*  
Lorraine Bartlett, DCYF Director

Related Statute(s): [RSA 169-C](#)

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s): **FORM T1174**

Bridges' Screen(s) and Attachment(s):

To support the safety of all children/youth, the Division for Children, Youth and Families works in partnership with the local law enforcement agencies to meet the Joint Guidelines for DCYF/Law Enforcement on Mandatory Notification, Record Sharing, and Investigations. Clear and timely communications are one of the pillars of this collaboration and through reporting specific allegations to the local law enforcement agency additional resources can be accessed and utilized to meet immediate needs and reduce duplications of work at later points in the Division's involvement with a family. Ultimately this joint collaboration is to assure the safety of children.

### Purpose

This policy describes the procedures for staff to follow when referring reports of child abuse or neglect to law enforcement, the County Attorney, and/or the Attorney General.

### Definitions

**"CPSW"** or **"Child Protective Service Worker"** means an employee of DCYF who is specially trained to work with families referred to the Division pursuant to RSA 169-C, RSA 170-B, RSA 170-C, and RSA 463.

**"DCYF"** or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

### Policy

- I. Pursuant to RSA 169-C:38, the Division for Children, Youth and Families will immediately notify the local law enforcement agency when:
  - A. A credible report is received, or a new allegation is identified in the course of an Assessment, that identifies reason to believe a child was:
    1. Sexually abused;
    2. Physically abused;
    3. Neglected through unreasonable disciplinary practices resulting in an injury;
    4. Neglected through exposure to illegal activities including production, distribution, or consumption of drugs by a caregiver;
    5. [Trafficked](#); or

6. The victim of a crime, such as child endangerment.
- B. A child has died.
1. Under this circumstance, additional immediate notification must be made to:
    - (a) The County Attorney;
    - (b) The Field Services Bureau Chief; and
    - (c) The State Office Chief Legal Counsel, who will in turn notify the Attorney General's Office.
- II. Notifications will be made in compliance with the Joint Guidelines for DCYF/Law Enforcement on Mandatory Notification, Record Sharing, and Investigations, as follows:
- A. Immediate notifications of law enforcement are made via telephone or in-person by the Child Protective Supervisor or assigned CPSW before the end of their work hours, to assure safety and the effective preservation of evidence for law enforcement.
    1. A contact must be documented in Bridges with the details of this contact.
  - B. The Child Protective Services Supervisor, or designee, in the District Office is responsible for sending a follow-up written notification, the Law Enforcement Letter (Form T1174), to the law enforcement agency **within 48 hours** of the receipt of the allegation(s) excluding Saturdays, Sundays, and Holidays, for all reports that meet the criteria in section I above and are assigned for Assessment.
    1. A copy of the Law Enforcement Letter (Form T1174) must be sent to the County Attorney at the same time it is sent to the law enforcement agency.
    2. A contact must be documented in Bridges for each entity sent a copy of the letter to identify that the Law Enforcement Letter (Form T1174) was sent to that entity.
    3. The Law Enforcement Letter (Form T1174) must be documented in the Bridge LEA screen.
  - C. Investigations assigned to Special Investigations pursuant to [policy 1154](#) will adhere to this policy. The notification to the appropriate law enforcement agency will be made by Special Investigations' staff at State Office.
  - D. Central Intake will make notifications to local law enforcement agencies when a report will not be accepted for Assessment, such as when:
    1. There is no authority for DCYF to intervene based on geographic jurisdiction of the alleged victim's residence;
    2. The alleged perpetrator is not a household member or does not have regular access to the alleged victim, and the caregiver(s) are appropriately responsive in supporting the alleged victim; or

3. A report is alleged to have been perpetrated by school personnel. See policy [1175 Reporting Abuse/Neglect Involving School Personnel](#).
- III. When reporting to law enforcement, the Attorney General, or the County Attorney, staff must provide as much of the following information as possible:
- A. A complete summary of the allegations;
  - B. The names and addresses of the involved individuals; and
  - C. The results of the initial Assessment or the plan for working with the family, for those cases in which the CPSW has already met with the child and/or family.

#### **Practice Guidance**

##### **Should a Law Enforcement Letter be sent if the law enforcement agency was the reporter?**

- A Law Enforcement Letter will still be completed and sent to the local law enforcement agency and the County Attorney. The only exception is when the referral is not accepted for Assessment by Central Intake.

##### **The statute identifies that a report should be made anytime there is reason to believe a child is a victim of a crime? What does this mean?**

- In the criminal system a crime is composed of 2 elements: the action and the mental state in relation (purposely, knowingly, recklessly, or negligently). Based on the action of physical contact, all physical abuse reports are forwarded to the local law enforcement agency for them to determine if the action meets the criminal code. With respect to actions that fall under an allegation of neglect, staff should consider if the action could constitute a crime. When staff are uncertain, staff should contact the local law enforcement agency to review the information. If staff are unable to discern that the incident was not a crime, err on the side of caution and send the Law Enforcement Letter.